

VZCZCXRO3701
OO RUEHCHI RUEHDT RUEHHM
DE RUEHML #3599 2410820
ZNR UUUUU ZZH
O 290820Z AUG 06
FM AMEMBASSY MANILA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2694
INFO RUEHZS/ASEAN COLLECTIVE IMMEDIATE
RUCPDO/USDOC WASHDC IMMEDIATE

UNCLAS MANILA 003599

SIPDIS

SIPDIS
SENSITIVE

STATE FOR EAP/MTS
STATE PASS TO USTR FOR BWEISEL AND DKATZ
USDOC FOR 4430/ITA/MAC/SBERLINGUETTE
USDOC PASS USPTO FOR PFOWLER
BANGKOK FOR DOJ CHRIS SONDERBY

E.O. 12958: N/A
TAGS: [ECON](#) [ETRD](#) [EINV](#) [KIPR](#) [RP](#)
SUBJECT: PHILIPPINES REORGANIZES IP TASK FORCE

SENSITIVE BUT UNCLASSIFIED - NOT FOR INTERNET DISTRIBUTION - PROTECT
ACCORDINGLY

SUMMARY

¶1. (U) The Philippine Department of Justice (DOJ) is again reorganizing its Intellectual Property (IP) Task Force to be chaired by Assistant Chief State Prosecutor Pedrito Rances who previously headed the same Task Force in 2005. Rights holders expressed concern over the decision which they say may further delay current cases by several months. The Intellectual Property Office says the reorganization will increase the size of the Task Force and include more senior-level members with more judicial experience. This reorganization is the third in less than three years. END SUMMARY.

¶2. (U) The previous Task Force, headed by Assistant Chief State Prosecutor Leah Tanodra-Armamento, was created in December 2005 as part of the GRP's efforts to demonstrate progress on IPR issues during the Special 301 out-of-cycle review. The 2005 reorganization stemmed from complaints that the Task Force headed by Attorney Rances included too many senior level prosecutors who sat on a number of different task forces. As a result, their interests were spread too thin and they did not have enough time to devote exclusively to IPR cases. DOJ has not specified whether the new members will serve concurrently on various task forces. In addition, the 2005 reorganization appointed an undersecretary to supervise the Task Force in order to establish accountability at a more senior-level. The recent Department Order now eliminates this requirement.

¶2. (SBU) Intellectual Property Office Deputy Director General Paj Avenido told econoff on August 18 that he was not privy to the discussions on the reorganization but said the IPO is generally pleased with the decision since the members of the previous Task Force were all junior prosecutors. The new Task Force will be larger and consist of senior-level prosecutors with more experience, although Avenido noted they may not be experienced in IP cases. IPO Director General Adrian Cristobal has not been available for comment.

¶3. (U) Some private sector contacts consider the reorganization a set-back. One IP lawyer representing several US clients said his law firm will essentially need to start over with a new group of prosecutors unfamiliar with their issues. He noted dozens of cases pending with DOJ for several months, which have not moved forward for various reasons, and which will now need to be re-argued from the beginning, causing several more months of delay before the cases can reach trial. "We are right back where we were one year ago," he

said.

14. (SBU) The reasoning behind the reorganization is not clear, but several contacts indicate it may be based more on internal politics at DOJ and less on the actual performance of Armamento's group. The amount of foreign training and political attention the IP Task Force was getting may have contributed by making those positions more attractive to senior officials, contacts said. While DOJ has ordered the reorganization of the Task Force, it has not yet specified the size or composition of the new Task Force.

COMMENT

15. (SBU) Frequent reorganization at DOJ does little to promote confidence among IP rights holders. The USG invested in several IP training programs for Attorney Armamento and key members of the previous IP Task Force in order to help provide specialized knowledge on IP issues. Armamento was becoming an excellent contact with a solid understanding of IPR and a commitment to improve prosecution of IP cases. Attorney Rances, the new Task Force Chair, understands IP issues to some extent since he has worked on them before, but there was little progress made during his previous tenure.